

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

IN RE: : CHAPTER 7  
: :  
LAPRADE'S MARINA, LLC, : CASE NO. 15-20697-JRS  
: :  
Debtor. :  
\_\_\_\_\_:

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on May 12, 2017, S. Gregory Hays, as Chapter 7 Trustee ("Trustee") for the Estate of LaPrade's Marina, LLC, Debtor (the "Debtor") in the above captioned Bankruptcy Case (the "Bankruptcy Case") filed a *Motion of Trustee to Compel Peter D. Anzo to Appear as a Representative of the Debtor and Testify at the Section 341 Meeting of Creditors to Occur at the Same Time and Place as the 2004 Examination of Peter D. Anzo* (the "Motion"). The Motion is on file with the Clerk of this Court at the address set forth below and is available for review between 8:00 a.m. and 4:00 p.m. or online anytime at <http://ecf.ganb.uscourts.gov> (registered users) or at <http://pacer.psc.uscourts.gov> (unregistered users) or a copy may be obtained from counsel for the Trustee identified below.

PLEASE TAKE FURTHER NOTICE, that the Court will hold a hearing (the "Hearing") to consider the Motion at **1:30 p.m.** on the **1st day of June, 2017** in Courtroom 103, U.S. Courthouse, 121 Spring Street, SE, Gainesville, GA 30501.

Your rights may be affected by the Court's ruling on the Motion. You should read the Motion carefully and discuss it with your attorney, if you have one in this Bankruptcy Case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views, then you and/or your attorney should attend the hearing. You may also file a written response to the Application with the Clerk at the address stated below, but you are not required to do so. The address of the Clerk's Office is: Clerk, U.S. Bankruptcy Court, U.S. Courthouse, 121 Spring Street, SE, Gainesville, GA 30501. You should also mail a copy of your response to the undersigned at the addresses stated below.

This 12th day of May, 2017.

LAW OFFICES OF HENRY F. SEWELL JR., LLC

/s/ Henry F. Sewell, Jr.

Henry F. Sewell, Jr.  
Georgia Bar No. 636265  
3343 Peachtree Road NE, Suite 200  
Atlanta, GA 30326

(404) 926-0053

[hsewell@sewellfirm.com](mailto:hsewell@sewellfirm.com)

*Counsel for S. Gregory Hays, as Chapter 7 Trustee  
of LaPrade's Marina, LLC*

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

IN RE: : CHAPTER 7  
:   
LAPRADE'S MARINA, LLC, : CASE NO. 15-20697-JRS  
:   
Debtor. :   
\_\_\_\_\_:

**MOTION OF TRUSTEE TO COMPEL PETER D. ANZO TO APPEAR AS  
A REPRESENTATIVE OF THE DEBTOR AND TESTIFY AT THE  
SECTION 341 MEETING OF CREDITORS TO OCCUR AT THE SAME  
TIME AND PLACE AS THE 2004 EXAMINATION OF PETER D. ANZO**

COMES NOW, S. Gregory Hays, as Chapter 7 Trustee ("Trustee") for the Estate of LaPrade's Marina, LLC, Debtor (the "**Debtor**") in the above captioned Bankruptcy Case (the "**Bankruptcy Case**"), by and through counsel, and hereby files this *Motion of Trustee to Compel Peter D. Anzo to Appear as a Representative of the Debtor and Testify at the Section 341 Meeting of Creditors to Occur at the Same Time and Place as the 2004 Examination of Peter D. Anzo* (the "**Motion**"). In support of the Motion, the Trustee respectfully shows the Court as follows:

**BACKGROUND**

1. On April 6, 2015, the Debtor filed a voluntary petition under Chapter 11 of Title 11, United States Code [Dkt. No. 1].
2. On November 17, 2016, the Bankruptcy Case was converted to a case under Chapter 7 [Dkt. No. 232].
3. After the United States Trustee appointed an interim Chapter 7 Trustee, on February 10, 2017, the United States Trustee filed its "Report of Undisputed Chapter 7 Trustee Election" [Dkt. No. 263] wherein the United States Trustee reported that S. Gregory Hays was elected as Chapter 7 Trustee in the Bankruptcy Case in an undisputed election held at the section

341 meeting of creditors that was scheduled on February 6, 2017. S. Gregory Hays remains the duly acting Chapter 7 Trustee in the Bankruptcy Case.

4. Since neither the principal of the Debtor, Peter D. Anzo ("**Anzo**"), nor any other representative of the Debtor appeared at the section 341 meeting of creditors that was scheduled on February 6, 2017, the section 341 meeting of creditors was reset incident to a Notice Rescheduling Meeting of Creditors [Dkt. No. 264] that reset the section 341 meeting of creditors for March 14, 2017.

5. The reset section 341 meeting of creditors on March 14, 2017, was reset again on account of the failure of a representative of the Debtor to appear without explanation or excuse and rescheduled for April 4, 2017 [Dkt. No. 272].

6. The reset section 341 meeting of creditors on April 4, 2017, was reset again on account of the failure of a representative of the Debtor. [Dkt. No. 276].

7. On April 13, 2017, Peter Anzo sent a letter in which he claimed that he had resigned as the Manager of LaPrade's Marina, LLC on December 31, 2016 and cited this as a basis for his failure to appear at the section 341 meeting of creditors. A true and correct copy of this letter is attached as **Exhibit "A"** hereto.

8. However, Mr. Anzo signed the Debtor's voluntary bankruptcy petition in this Bankruptcy Case in his capacity as the Manager of the entity that controlled the Debtor and thereby commenced this Bankruptcy Case on behalf of the Debtor. Further, the Trustee is advised and informed that Mr. Anzo managed the Debtor's business both prior to and after the Petition Date and is the only person with sufficient knowledge of the Debtor's business affairs and assets who is qualified to appear at the section 341 meeting on behalf of the Debtor. Having been the individual who commenced this Bankruptcy Case and having affirmatively sought the

benefits of bankruptcy protection for the Debtor, Mr. Anzo should not now be permitted to avoid the responsibility for appearing at the section 341 creditors' meeting on behalf of the Debtor.

9. Not only is a complete section 341 meeting of creditors warranted and lawful, it is imperative that the Trustee examine the Debtor because there are numerous questions with regard to the existence and location of assets of the Debtor and conduct a section 341 meeting in compliance with Bankruptcy Code and Rules.

10. In an attempt to obtain further information to assist in the administration of the Bankruptcy Case, the Trustee has, among other things, filed a *Motion for an Order Pursuant to Bankruptcy Rule 2004 Authorizing Examination of Peter Anzo Individually and as Either a Former Representative or Principal of the Debtor and Directing the Production of Documents* (Dkt. No. 282, the "**2004 Exam Motion**"). The United States Trustee has agreed that the reset 341 meeting of creditors may be scheduled at the same time and location as the 2004 examination of Peter Anzo (the "**Examination**").

#### **RELIEF REQUESTED AND BASIS THEREFOR**

11. Among the statutory duties of a debtor, a "debtor shall appear and submit to examination under oath at the meeting of creditors under section 341(a) . . . Creditors, . . . any trustee . . . in the case, or the United States Trustee may examine the debtor." 11 U.S.C. § 343; *see also* Fed. R. Bankr. P. 4002(a)(1) (providing that a debtor shall "attend and submit to an examination at the times ordered by the court"). In instances where a trustee is serving in the case, a debtor shall "cooperate with the trustee as necessary to enable the trustee to perform the trustee's duties." 11 U.S.C. § 521(a)(3); *see also* Fed. R. Bankr. P. 4002(a)(4) (providing that a debtor shall "cooperate with the trustee in the preparation of an inventory, the examination of proofs of claim, and the administration of the estate). Section 704 of the Bankruptcy Code sets forth the

duties of the Trustee, including the duty to "investigate the financial affairs of the debtor." *See* 11 U.S.C. § 704(a)(4).

12. Fed. R. Bankr. P. 9001 (5) further provides as follows:

When any act is required by these rules to be performed by a debtor or when it is necessary to compel attendance of a debtor for examination and the debtor is not a natural person: (A) if the debtor is a corporation, 'debtor' includes, if designated by the court, any or all of its officers, members of its board of directors or trustees or of a similar controlling body, a controlling stockholder or member, or any other person in control.

Fed. R. Bankr. P. 9001 (5).

13. The Debtor should not be permitted to avoid compliance with the statutory duties of the Debtor and hinder the investigation of and administration of the Bankruptcy Case by the Trustee. Significantly, in this case, Mr. Anzo is the person who signed the voluntary petition commencing this Bankruptcy Case and is now seeking to avoid his responsibility to appear and testify at the section 341 creditors' meeting.

14. By this Motion, the Trustee seeks the entry of an order compelling Mr. Anzo to appear as the representative of the Debtor to testify, and fully and completely answer all questions posed by the Trustee and turn over all documents requested by the Trustee without limitation or qualification at a 341 meeting of creditors to occur at the same time and place as the Examination.

WHEREFORE, the Trustee requests that this Court enter an order, substantially in the form of the proposed order attached as **Exhibit B** hereto, that: a) grants this Motion; b) compels Peter Anzo to appear as a representative of the Debtor to testify, and fully and completely answer all questions posed by the Trustee and turn over all documents requested by the Trustee without limitation or qualification at a 341 meeting of creditors to occur at the same time and place as the Examination; and c) grants the Trustee such other and further relief as is just and proper.

Respectfully submitted this 12th day of May, 2017.

LAW OFFICES OF HENRY F. SEWELL JR., LLC

/s/ Henry F. Sewell, Jr.

Henry F. Sewell, Jr.

Georgia Bar No. 636265

3343 Peachtree Road NE, Suite 200

Atlanta, GA 30326

(404) 926-0053

hsewell@sewellfirm.com

*Counsel for S. Gregory Hays, as Chapter 7 Trustee  
of LaPrade's Marina, LLC*

**EXHIBIT A**

**PETER D. ANZO LETTER DATED APRIL 13, 2017**



April 13, 2017

VIA CERTIFIED MAIL

To Whom It May Concern:

Re: LaPrade's Marina, LLC

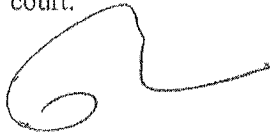
Please be advised that the undersigned resigned as manager of LaPrade's Marina, LLC on December 31, 2016. Please see attached the resignation letter as well as the published notice.

It has come to my attention through one of the creditor's counsel that there have been two (2) 341 hearings regarding LaPrade's that were postponed because the Debtor was not present.

In addition, apparently, the new Trustee's attorney indicated in open court that there had been numerous attempts made to contact me. This statement is untrue, as well as no notice from the court has been sent regarding these hearings either.

The estate has no assets, no funds, no legal representation, and no corporate representative. All books and records held by LaPrade's Marina, LLC have been given to counsel for the creditors, or left at the real property.

In my non-legal opinion, this case should be dismissed and not waste any further time of the court.



Peter D. Anzo

enclosures

cc w/enclosures: Honorable James R. Sacca  
David W. Cranshaw  
John A. Christy  
Henry R. Sewell, Jr.  
Melissa Perignat  
James H. Morawetz  
Betty A. Nappier  
Gregory Hays

Peter D. Anzo  
102 Bristol Lane  
Clayton, Georgia 30525

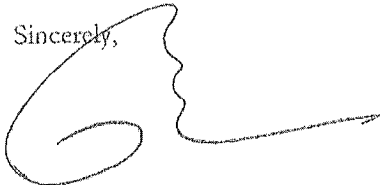
December 31, 2016

LaPrades Marina, LLC  
25 Shoreline Trail  
Clarksville, Georgia 30523

To whom it may concern:  
:

I Peter D. Anzo hereby resigns as manager of LaPrades Marina, LLC  
Effective December 31, 2016.

Sincerely,

A handwritten signature in black ink, appearing to be 'P. Anzo', with a long horizontal stroke extending to the right.

Peter D. Anzo

Ads must be in compliance with The Fair Housing Act. All ads must be prepaid. Please read your ad the first day it appears in order to make changes or corrections. The Tribune's liability is limited to the ad's cost. Rates are determined when your ad is placed.



## THE NORTHEAST GEORGIAN

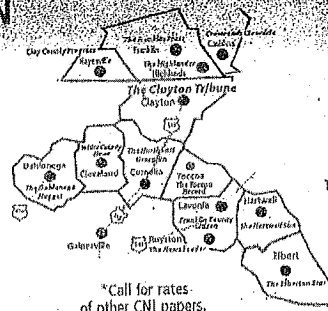
**\$9.00 a week** for 10 words  
25¢ for each additional word

## WHITE COUNTY NEWS

**\$9.00 a week** for 10 words  
25¢ for each additional word

## THE DAHLONEGA NUGGET

**\$9.00 a week** for 10 words  
25¢ for each additional word



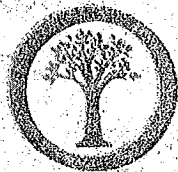
\*Call for rates of other CNI papers.

### Miscellaneous Announcements

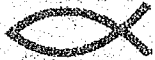
**NOTICE**  
Effective December 31st, 2016, I Peter D. Anzo hereby resign as manager of LaPrades Marina, LLC

**NOTICE**  
NOTICE IS HEREBY GIVEN THAT THE ARTISTS' KAVA HOUSE GRILL LOCATED AT 100 MAIN STREET TALLULAH FALLS, GEORGIA, OF OCONEE LAKES WATERCRAFT OF SENECA S.C. HAS APPLIED TO THE TOWN OF TALLULAH FALLS FOR A LICENSE FOR THE SALE OF BEER AND WINE FOR CONSUMPTION ON THE PREMISES AT THE ABOVE STATED LOCATION

### Landscaping/Yard Work



**CARRION TREE SERVICE**  
Specializing in dangerous tree removal and total tree care. Free estimates. 24 hour response. Fully Insured with Workman's Comp and General Liability. Every call answered personally by Owner, Emmanuel Carrion, with a quote the same day!! (828) 371-4718. Carrion Tree Service. Now accepting credit cards. Do not put yourself at risk by hiring a tree company without Workman's Comp.



### Home Repair/Maintenance

### General Employment

ness to work weekdays, weekends and holidays. Please fill out application in person Tuesday through Friday from 10am to 1pm or online at <http://www.cullasajacub.org/contact/employment/>. You may also call 828.526.3531 or email [swalker@cullasaja-club.com](mailto:swalker@cullasaja-club.com) for additional information

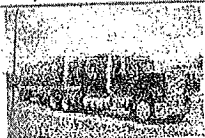
#### Assistant Housekeeping Manager, CASHIERS, NORTH CAROLINA Full-time

The Assistant Housekeeping Manager position will be responsible for inspecting high end vacation rental homes for cleanliness, and assist the housekeeping manager prior to guest check in. Applicants should be highly motivated self-starters, have a good driving record, and be able to work on a rotating Saturday schedule.

Email your resume to: [newhirecashiers@gmail.com](mailto:newhirecashiers@gmail.com)

Black Rock Mountain State Park is hiring for 29 hour positions in Housekeeping, Front Desk Clerk, and Maintenance. Pay is \$8.00 per hour. Background check required. Please call for an interview. 706-746-2141.

Caregivers needed, RN, LPN, CNA, and non certified caregivers. Apply at: [www.AtYourService.Care](http://www.AtYourService.Care)



#### CDL CLASS A DRIVER NEEDED

Must have clean MVR, 2 years experience in tractor

### General Employment

Do you enjoy working with spreadsheets? Do you enjoy analyzing data and putting together information for reports? Then *Community Newspapers* has a position for you. We are searching for a candidate with solid experience and knowledge of Microsoft Excel. Candidate should be able to take data in other formats and convert to spreadsheets and work data to retrieve information. Knowledge of Microsoft Access and mail merge is also required. Position is full time, Monday-Friday, 8am-5pm, with benefits and will work in the Cornelia office. Please send resume and qualifications to:

**Northeast Georgian Human Resources**  
PO Box 1555  
Cornelia, Ga. 30531

FIVE POINTS Store now hiring Store clerk, 40+ hrs/wk, flexible schedule. Apply in person at 762 Hwy 76 E, Clayton.

#### FT YEAR-ROUND EMPLOYMENT

Maintenance Tech & Grounds. Work areas: roadside trimming, mowing, commercial water and sewer system utilities maintenance. Mechanical familiarity preferred. Full benefits. Pay range depends upon experience. Call 828-526-2203 for information.

Full-Time Legal Assistant. Clayton, Georgia 30525, Monday - Friday, 9:00 a.m. - 5:00 p.m. \$14.00 per hour. Must be highly skilled typist. Email resume to: [clayton.georgia.assistant@gmail.com](mailto:clayton.georgia.assistant@gmail.com)

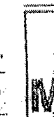
### General Employment



#### Hiring position Help

All po  
Energeti  
Roo  
Compe  
qu  
Accept  
ar  
App  
Edelwe  
or E  
contai  
MO

located  
presen  
person  
sion fe  
ing se  
availa  
\* Full t  
\* Part  
Cor  
Comm  
\* Gen  
\* Sec  
\* Dist  
Plea  
rdul  
club.  
Mou  
appl  
and  
mail



**EXHIBIT B**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

IN RE:	:	CHAPTER 7
	:	
LAPRADE'S MARINA, LLC,	:	CASE NO. 15-20697-JRS
	:	
Debtor.	:	

**ORDER GRANTING MOTION OF TRUSTEE TO COMPEL PETER D. ANZO  
TO APPEAR AS A REPRESENTATIVE OF THE DEBTOR AND TESTIFY AT  
THE SECTION 341 MEETING OF CREDITORS TO OCCUR AT THE SAME  
TIME AND PLACE AS THE 2004 EXAMINATION OF PETER D. ANZO**

This matter is before the Court on the Motion of Trustee to Compel Peter D. Anzo to Appear as a Representative of the Debtor and Testify at the Section 341 Meeting of Creditors to Occur at the Same Time and Place as the 2004 Examination of Peter D. Anzo (Doc. No. \_\_\_\_\_, the "**Motion**") filed by S. Gregory Hays, as Chapter 7 Trustee ("**Trustee**") for the Estate of LaPrade's Marina, LLC, Debtor ("**Debtor**") in the above captioned Bankruptcy Case (the "**Bankruptcy Case**"). Having reviewed and considered the Motion and any responses thereto, arguments of counsel, and the record in the Bankruptcy Case, for good cause shown and no additional notice or opportunity being required, it is hereby ORDERED that:

1. The Motion is GRANTED;

2. Peter D. Anzo is directed to appear as a representative of the Debtor to testify and completely answer all questions posed by the Trustee and turn over all documents requested by the Trustee without limitation or qualification at a 341 meeting of creditors to occur at the same time and place as the Examination.<sup>1</sup>

END OF DOCUMENT

Prepared and Presented by:

LAW OFFICES OF HENRY F. SEWELL JR., LLC

/s/ Henry F. Sewell, Jr.

Henry F. Sewell, Jr.

Georgia Bar No. 636265

3343 Peachtree Road NE, Suite 200

Atlanta Financial Center, East Tower

Atlanta, GA 30326

(404) 926-0053

hsewell@sewellfirm.com

*Counsel for S. Gregory Hays, as Chapter 7 Trustee of LaPrade's Marina, LLC*

---

<sup>1</sup> Capitalized, but undefined terms, shall have the meaning ascribed to such terms in the Motion.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

IN RE: : CHAPTER 7  
: :  
LAPRADE'S MARINA, LLC, : CASE NO. 15-20697-JRS  
: :  
Debtor. :  
\_\_\_\_\_

**CERTIFICATE OF SERVICE**

This is to certify that service of the within and foregoing **MOTION OF TRUSTEE TO COMPEL PETER D. ANZO TO APPEAR AS A REPRESENTATIVE OF THE DEBTOR AND TESTIFY AT THE SECTION 341 MEETING OF CREDITORS TO OCCUR AT THE SAME TIME AND PLACE AS THE 2004 EXAMINATION OF PETER D. ANZO** was served via the United States Bankruptcy Court for the Northern District of Georgia's Electronic Case Filing System to all parties who have filed appearances and requested notices in this case, including the following:

R. Jeneane Treace, Esquire  
Office of the U.S. Trustee  
362 Richard Russell Building  
75 Spring Street, SW  
Atlanta, Georgia 30303  
*Via ECF*

David Cranshaw, Esquire  
Morris Manning & Martin, LLP  
3343 Peachtree Road, N.E.  
1600 Atlanta Financial Center  
Atlanta, Georgia 30326  
*Via ECF*

Scott B. Riddle, Esquire  
Law Office of Scott B. Riddle, LLC  
Suite 1800, Tower Place 100  
3340 Peachtree Road, NE  
Atlanta, GA 30326  
*Counsel for Peter D. Anzo*  
*Via ECF*

James H. Morawetz, Esquire  
Office of the U.S. Trustee  
362 Richard Russell Building  
75 Spring Street, SW  
Atlanta, Georgia 30303  
*Via ECF*

This 12th day of May, 2017.

**/s/ Henry F. Sewell, Jr.**

Henry F. Sewell, Jr.

Georgia Bar No. 636265

*Counsel for S. Gregory Hays, as Chapter 7 Trustee  
of LaPrade's Marina, LLC*